



CITY COUNCIL
ATLANTA, GEORGIA

03-O-0666

**AN ORDINANCE BY
COUNCIL MEMBER NATALYN ARCHIBONG AS SUBSTITUTED
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO PURCHASE PROPERTY FROM THE TRUST FOR PUBLIC LAND LOCATED IN THE KIRKWOOD NEIGHBORHOOD IN THE CITY OF ATLANTA ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION, AND CULTURAL AFFAIRS, WHEREAS THE TOTAL COST OF ACQUISITION TO THE CITY IS \$502,004.60, FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM; AUTHORIZING THE PAYMENT OF ASSOCIATED COSTS; AND FOR OTHER PURPOSES.

WHEREAS, Ordinance 01-0-1697, adopted by the Council on November 19, 2001, and approved by the Mayor on November 27, 2001, allocated Georgia Greenspace (DeKalb) grant funds to cover the cost of land acquisition for Kirkwood/Edgewood Parks and Open Space; and

WHEREAS, the Properties are located within the confines of the Kirkwood/Edgewood project area; and

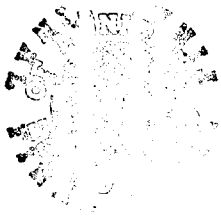
WHEREAS, the Trust for Public Land has agreed to help in the acquisition and preservation of the Property by working with (1) the City Department of Planning, Development, and Neighborhood Conservation and the Department of Parks, Recreation, and Cultural Affairs, (2) the present owner of the Property, (3) the Kirkwood Neighborhood Organization and (4) the Arthur M. Blank Family Foundation to secure a grant to fund a portion of the purchase price for the Property; and

WHEREAS, the Trust for Public Land has applied for grant funds in a total amount anticipated to be \$312,855.00 from the Arthur M. Blank Family Foundation to fund a portion of the cost to acquire the Property, and will convey the property to the City at full cost less the amount of said grant; and

WHEREAS, the total cost to the City of Atlanta will be \$502,004.60.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That the Mayor or her designee is hereby authorized to purchase from the Trust for Public Land three tracts of real property in the Kirkwood neighborhood as shown and described in the following table.



Parcel	Parcel ID No.	Acres
Parcel 1: Woodbine Ave.	15-210B03-005	0.3
Parcel 2: Dixie Street	15-206C04-7,8,11; 15-206C03-10; and 15-206C05-21-26	4.8
Parcel 3: Memorial Drive	15-207D-C02-11 and 12	2.6
Total Acquisition		7.7

SECTION 2: That the Mayor or her designee is hereby authorized to obtain surveys, title reports, and appraisals and to establish estimate of just compensation based thereon to be offered the Trust for Public Land.

SECTION 3: That accrued interest accumulating in the following accounts is hereby transferred as follows:

Transfer from:

1B02-793001-Y63U0211KTB0	\$1,299.17
1B02-771001-Y63U0211KTB0	7,639.27
1B02-729029-Y63U0211KTB0	808.52
TOTAL	<u>\$9,746.96</u>

Transfer to:

1B02-771001- Kirkwood/Edgewood Parks and Y63D1009KTB0 Open Space (DeKalb County)	\$9,746.96
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SECTION 4: That the Chief Financial Officer is hereby authorized to use accrued interest accumulating in account 1B02-661001-J53X0210KTD0 in the amount of \$429.15 and to appropriate this interest to 1B02-771001-Y63U0211KTD0, and to transfer interest in the accounts shown below in the amount of \$1,144.49, for a total of \$1,573.64:

Transfer from:

1B02-793001- Y63U0211KTD0	\$1,144.49
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Transfer to:

1B02-771001- Kirkwood/Edgewood Parks and Y63U0211KTD0 Open Space (DeKalb County)	\$1,144.49
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SECTION 5: That the following fund, account, and center numbers in the following amounts are to be used for the payment of charges, including but not limited to surveys, environmental assessments, appraisals, title reports, and other closing costs, but excluding consultant service fees, as required by the funding source.

1B02-771001- Y63D1009KTB0	Kirkwood/Edgewood Parks and Open Space (DeKalb County)	\$201,095.96
1C28-771001- Y63D10099991	Kirkwood/Edgewood Parks and Open Space (DeKalb County)	150,000.00
1B02-771001- Y63U0211KTD0	DNR Georgia Greenspace Program (DeKalb County)	150,908.64
TOTAL		<u>\$502,004.60</u>

SECTION 6: That the Chief Financial Officer is hereby authorized to transfer \$3,620 from and to the following accounts:

Transfer From:

1C28-792001- T31X04109991	Park Impact Fees Reserve Designated – D.I.F. Admin	\$3,620
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Transfer To:


1C28-724001- Y63D10099991	Consultant Services - Kirkwood	\$3,620
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SECTION 7: That the requirements of City Code Section 2-1541 (d) of the Procurement and Real Estate Code are waived to allow the purchase of property on behalf of the City without further authorization of City Council.

SECTION 8: That the deed for each tract is to be recorded containing appropriate covenants, restrictions or easements as necessary in order to satisfy the requirements of the Georgia Greenspace Program, which shall provide that the Property shall be permanently preserved as greenspace with passive recreation for the benefit of the public.

SECTION 9: That consultant services for acquisition of the properties on the City's behalf shall be charged to and paid from fund account center 1C28 724001 Y63D10099991 in an amount not to exceed \$3,620.00.

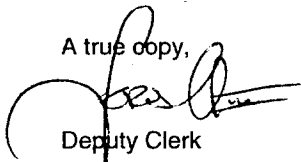
SECTION 10: That if negotiations with the affected property owners fail, the City Attorney is authorized to use all means necessary and within her/his power, up to and including Condemnation to acquire the necessary real property interests; and, the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle Condemnation proceedings and pay for such services without further authorization from City Council.



SECTION 11: That the City Attorney, or her/his designee, if necessary, is hereby authorized to institute condemnation proceedings pursuant to the appropriate method allowed by applicable law.

SECTION 12: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy,



Deputy Clerk

ADOPTED by the City Council
APPROVED by the Mayor

May 5, 2003
May 13, 2003

RCS# 4709
5/05/03
6:24 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-15: Except 03-R-0616; 03-O-0672
 03-R-0629; 03-O-0449
 ADOPT

YEAS:	12
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	4
EXCUSED:	0
ABSENT	0

Y Smith	NV Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	NV Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

5/05/03 FULL COUNCIL MEETING

Items Adopted on the Consent Agenda**Items Adversed on the
Consent Agenda**

- | | |
|---------------|---------------|
| 1. 03-O-0654 | 36. 03-R-0624 |
| 2. 03-O-0657 | 37. 03-R-0625 |
| 3. 03-O-0664 | 38. 03-R-0626 |
| 4. 03-O-0673 | 39. 03-R-0606 |
| 5. 03-O-0674 | 40. 03-R-0609 |
| 6. 03-O-0675 | 41. 03-R-0610 |
| 7. 03-O-0676 | 42. 03-R-0611 |
| 8. 03-O-0548 | 43. 03-R-0612 |
| 9. 03-O-0666 | 44. 03-R-0613 |
| 10. 03-O-0652 | 45. 03-R-0614 |
| 11. 03-O-0107 | 46. 03-R-0615 |
| 12. 03-O-0495 | 47. 03-R-0630 |
| 13. 03-O-0540 | 48. 03-R-0659 |
| 14. 03-O-0567 | 49. 03-R-0694 |
| 15. 03-O-0568 | 50. 03-R-0627 |
| 16. 03-O-0573 | 51. 03-R-0635 |
| 17. 03-O-0594 | 52. 03-R-0636 |
| 18. 03-O-0661 | 53. 03-R-0637 |
| 19. 02-O-0680 | 54. 03-R-0638 |
| 20. 03-O-0435 | 55. 03-R-0639 |
| 21. 03-O-0547 | 56. 03-R-0640 |
| 22. 03-R-0596 | 57. 03-R-0645 |
| 23. 03-R-0597 | |
| 24. 03-R-0599 | |
| 25. 03-R-0603 | |
| 26. 03-R-0604 | |
| 27. 03-R-0605 | |
| 28. 03-R-0607 | |
| 29. 03-R-0366 | |
| 30. 03-R-0618 | |
| 31. 03-R-0619 | |
| 32. 03-R-0620 | |
| 33. 03-R-0621 | |
| 34. 03-R-0622 | |
| 35. 03-R-0623 | |

- | |
|---------------|
| 58. 03-R-0641 |
| 59. 03-R-0642 |
| 60. 03-R-0643 |
| 61. 03-R-0644 |
| 62. 03-R-0646 |

Consent I Vote: 12Yeas; 0 Nays: (See RCS #4709) (1st Consent Vote: 13Yeas; 0 Nays
(See RCS #4667); Reconsidered:12 Yeas; 1 Nay (See RCS #4708))
Items Removed from the Consent Agenda: 03-R-0616; 03-O-0672; 03-R-0629; 03-O-0449

03-O-

AN ORDINANCE

03-0-0666

BY

Natalie Archibald

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO PURCHASE PROPERTY FROM THE TRUST FOR PUBLIC LAND LOCATED IN THE KIRKWOOD NEIGHBORHOOD IN THE CITY OF ATLANTA ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION, AND CULTURAL AFFAIRS, WHEREAS THE TOTAL COST OF ACQUISITION TO THE CITY IS \$489,337, FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM; AUTHORIZING THE PAYMENT OF ASSOCIATED COSTS; AND FOR OTHER PURPOSES.

WHEREAS, Ordinance 01-0-1697, adopted by the Council on November 19, 2001, and approved by the Mayor on November 27, 2001, allocated Georgia Greenspace (DeKalb) grant funds to cover the cost of land acquisition for Kirkwood/Edgewood Parks and Open Space; and

WHEREAS, the Properties are located within the confines of the Kirkwood/Edgewood project area; and

WHEREAS, the Trust for Public Land has agreed to help in the acquisition and preservation of the Property by working with (1) the City Department of Planning, Development, and Neighborhood Conservation and the Department of Parks, Recreation, and Cultural Affairs, (2) the present owner of the Property, (3) the Kirkwood Neighborhood Organization and (4) the Arthur M. Blank Family Foundation to secure a grant to fund a portion of the purchase price for the Property; and

WHEREAS, the Trust for Public Land has applied for grant funds in a total amount anticipated to be \$312,855.00 from the Arthur M. Blank Family Foundation to fund a portion of the cost to acquire the Property, and will convey the property to the City at full cost less the amount of said grant; and

WHEREAS, the total cost to the City of Atlanta will be \$489,337.00, as referenced in Exhibit A.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That the Mayor or her designee is hereby authorized to purchase from the Trust for Public Land three tracts of real property in the Kirkwood neighborhood as shown and described in the following table and in the attached Exhibits.

Parcel	Parcel ID No.	Acres
Parcel 1: Woodbine Ave.	15-210B03-005	0.3
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Parcel 3: Memorial Drive	15-207D-C02-11 and 12	2.6
Total Acquisition		7.7

SECTION 2: That the Mayor or her designee is hereby authorized to obtain surveys, title reports, and appraisals and to establish estimate of just compensation based thereon to be offered the Trust for Public Land.

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1B02-771001- Y63D1009KTB0	Kirkwood/Edgewood Parks and Open Space (DeKalb County)	\$191,349
1C28-771001- Y63D10099991	Kirkwood/Edgewood Parks and Open Space (DeKalb County)	148,653
1B02-771001- Y63U0211KTD0	DNR Georgia Greenspace Program (DeKalb County)	<u>149,335</u>
TOTAL		<u>\$489,337</u>

SECTION 4: That this ordinance authorizes transferring appropriations from the Reserve Accounts shown below which represents interest accrued totaling \$3,662.47 to Y63U0211KTB0 771001.

729029	808.52
771001	5,275.97 + 3,662.47
793001	3,662.47 <3,662.47>

SECTION 5: That this ordinance authorizes that interest accrued in J53X0210KTD0 661001 totaling \$429.15 is appropriated to account Y63U0211KTD0 771001 and authorizes the transfer of \$1,144.49 from Reserve Y63U0211KTD0 793001 to Y63U0211KTD0 771001, bringing the total in this account to \$150,908.64.

SECTION 6: That the requirements of City Code Section 2-1541 (d) of the Procurement and Real Estate Code are waived to allow the purchase of property on behalf of the City without further authorization of City Council.

SECTION 7: That the deed for each tract is to be recorded containing appropriate covenants, restrictions or easements as necessary in order to satisfy the requirements of the Georgia Greenspace Program, which shall provide that the Property shall be permanently preserved as greenspace with passive recreation for the benefit of the public.

SECTION 8: That consultant services for acquisition of the properties on the City's behalf shall be charged to and paid from fund account center 1C28 771001 Y63D10099991 in an amount not to exceed \$3,620.00.

SECTION 9: That if negotiations with the affected property owners fail, the City Attorney is authorized to use all means necessary and within her/his power, up to and including Condemnation to acquire the necessary real property interests; and, the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle Condemnation proceedings and pay for such services without further authorization from City Council.

SECTION 10: That the City Attorney, or her/his designee, if necessary, is hereby authorized to institute condemnation proceedings pursuant to the appropriate method allowed by applicable law.

SECTION 11: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

(Do Not Write Above This Line)

AN ORDINANCE

BY

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO PURCHASE PROPERTY FROM THE TRUST FOR PUBLIC LAND LOCATED IN THE KIRKWOOD NEIGHBORHOOD IN THE CITY OF ATLANTA ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION, AND CULTURAL AFFAIRS, WHEREAS THE TOTAL COST OF ACQUISITION TO THE CITY IS \$489,337, FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM; AUTHORIZING THE PAYMENT OF ASSOCIATED COSTS; AND FOR OTHER PURPOSES.

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

Refer To

COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

MAYOR'S ACTION

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon
(for review & distribution to Executive Management)

Commissioner Signature N. Koplon by JH

Director Signature filthy-Opi

From: Department of Planning & Community Development Contact (name): Susan Rutherford
ext. 6787

Committee(s) of Purview: Finance/Executive

Committee Deadline:

Committee Meeting Date: April 30

City Council Meeting Date: 4/21 & 5/5

CAPTION:

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO PURCHASE PROPERTY FROM THE TRUST FOR PUBLIC LAND LOCATED IN THE KIRKWOOD NEIGHBORHOOD IN THE CITY OF ATLANTA ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION, AND CULTURAL AFFAIRS, WHEREAS THE TOTAL COST OF ACQUISITION TO THE CITY IS \$489,337, FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM; AUTHORIZING THE PAYMENT OF ASSOCIATED COSTS; AND FOR OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION:

The acquisition of these parcels will implement the Kirkwood Greenway that will connect City parks, public schools, soccer fields, and community facilities in the Kirkwood neighborhood as well as providing stream buffers.

FINANCIAL IMPACT (IF ANY):

\$489,337 for the acquisition.

Received by Mayor's Office:

Reviewed:

Submitted to Council


(date)

(initials)

(date)

(date)

Action by Committee: ☐ Approved ☐ Adversed ☐ Held ☐ Amended ☐ Substitute ☐ Referred ☐ Other



SECTION 11: That the City Attorney, or her/his designee, if necessary, is hereby authorized to institute condemnation proceedings pursuant to the appropriate method allowed by applicable law.

SECTION 12: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.